

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHARLES SPEED §
v. § CIVIL ACTION NO. 6:10cv42
MANAGEMENT TRAINING CORP. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Charles Speed, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named defendant in the lawsuit is the Management and Training Corporation.

On February 23, 2010, the Magistrate Judge ordered that Speed file an amended complaint setting out his claims with more factual specificity. Speed filed changes of address on April 13 and April 21, 2010, both of which gave his new address at the Wayback House in Dallas, Texas. He never responded to the order that he file an amended complaint, and so on April 15, 2010, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court.

A copy of the Report, as well as a copy of the order to amend and an order granting *in forma pauperis* status, were sent to Speed at his last known address, return receipt requested, but no objections or other response have been received; accordingly, Speed is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal

conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 11) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

SIGNED this 10th day of June, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE